

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

4 NYP VENTURES LLC,

Plaintiff,

-against-

**FACTORY MUTUAL INSURANCE
COMPANY,**

Defendant,

and

**ASPEN SPECIALTY INSURANCE
COMPANY and LANDMARK
AMERICAN INSURANCE COMPANY,**

Intervenor Defendants.

ECF Case

No. 1:14-cv-8602 (PAC)

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying papers, and all prior pleadings and proceedings in this matter, Defendant Factory Mutual Insurance Company (“FM Global”), by and through its attorneys, Winston & Strawn LLP, hereby moves this Court, before the Honorable Paul A. Crotty, United States Courthouse for the Southern District of New York, Room 14-C, 500 Pearl Street, New York, New York 10007, for summary judgment pursuant to Federal Rule of Civil Procedure 56 that, as a matter of law, the \$20 million “Flood” sublimit applies to all losses, including time element losses, sustained by Plaintiff 4 NYP Ventures LLC (“4 NYP”) in connection with Superstorm Sandy, and that FM Global has fully satisfied its obligations under FM Global Insurance Policy UC089 by paying \$20 million to 4 NYP for such losses.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's March 10, 2016 Order, opposition papers, if any, are to be served on or before June 10, 2016.

Dated: May 2, 2016

New York, New York

s/ Harvey Kurzweil

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